

TAMARA L. WILSON
Claimant

ASSISTED HEALTH CARE
Respondent

COMMERCE AND INDUSTRY INSURANCE CO.
Insurance Carrier

The preliminary hearing statute gives the ALJ authority to grant or deny a request for either medical treatment or temporary total disability compensation pending a full hearing on the claim. The issue as to whether claimant is temporarily and totally disabled is not one of the disputed issues listed in the preliminary hearing statute that grants the

Board jurisdiction to review the preliminary hearing finding.¹ Thus, since the ALJ did not exceed his jurisdiction² and the disputed issue raised is not a jurisdictional issue, the Board finds, as it has on numerous occasions, it does not have jurisdiction, at this juncture of the proceedings, to review the ALJ's preliminary hearing findings in regard to temporary total disability compensation.

WHEREFORE, it is the finding, decision, and order of the Board that the respondent's appeal of ALJ Robert H. Foerschler's February 22, 2002, Preliminary Decision should be, and is hereby, dismissed.

IT IS SO ORDERED.

Dated this ____ day of April 2002.

BOARD MEMBER

c: Robert W. Harris Attorney for Claimant
Eric T. Lanham , Attorney for Respondent
Robert H. Foerschler, Administrative Law Judge
Philip S. Harness, Workers Compensation Director

¹ See K.S.A. 44-534a(a)(2).

² See K.S.A. 2001 Supp. 44-551(b)(2)(A).